

Dear Sir:

In response to the Office Action mailed on June 15, 2001, Applicant offers the following amendment and response to office action, and requests reconsideration of the above-captioned application. This response addresses every ground of rejection set forth in the Office Action.

### **AMENDMENTS**

#### **Kindly amend the Claims**

2. (Amended) The fuel emulsion composition of claim 1 wherein said emulsion having an average droplet diameter of between about 5 microns and about 6 microns.

### **REMARKS IN REGARD TO CLAIM REJECTION---NON-STATUTORY**

#### **DOUBLE PATENTING**

Claims 1-7, 9 and 10-20 of 09/108,447, filed in a Continued Prosecution Application, stand provisionally rejected under 35 USC §101 as claiming the same invention as that of claims 1-7, 9 and 10-20 of Parent Application 09/108,447. The Applicant respectfully asserts that the Parent Application 09/108,447 was abandoned June 8, 2001. Therefore, the Applicant submits that the provisional double patenting objection is moot.

### **REMARKS IN REGARD TO CLAIM REJECTION---JUDICIALLY CREATED**

#### **DOUBLE PATENTING**